

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 29 APRIL 2014.

Present – Councillors John McGinty (Chair), Cathy Muldoon, Frank Anderson, Jim Dixon, Lawrence Fitzpatrick, Peter Johnston, Dave King, Danny Logue, Anne McMillan, Angela Moohan, George Paul

Apologies – Councillor Tom Conn

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 15 April 2014. The Minute was thereafter signed by the Chair.

3. DISPLAY OF ELECTION MATERIAL ON COUNCIL PROPERTY

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive outlining the Council's current policy on the display of election material on council property.

The Council Executive was informed that the Council currently permitted the display of election posters on road lighting columns and permission was granted to election candidates and agents to attach election posters to road lighting columns within each council ward subject to a number of conditions.

Eleven out of 32 Scottish local authorities permitted election material to be displayed on council property and it had been established that there was not a uniform position in Scotland, with guidance differing between local authorities. An analysis of the policy provision on the display of election material on council property of eleven central belt local authorities had been undertaken. Details of the analysis were provided in Appendix A to the report.

A summary of the process and outcome of a change of policy on the display of election material on council property in Falkirk Council, Midlothian Council and Glasgow City Council was provided in Appendix B to the report.

The report set out the legal considerations on this matter.

The options available were to continue permitting election posters to be fixed to street lighting columns, or to stop the practice. If election posters continued to be permitted, there was no evidence that the current policy

needed to be amended. It was noted that a policy of not permitting election posters to be displayed on street lighting columns would be consistent with the policies already in place in those local authorities with which West Lothian Council shared an elector area. It was also noted that there was anecdotal evidence from other local authorities that political parties find other ways to display election posters when they were not permitted to display them on street lighting columns, for example, putting them on stakes driven into the ground.

It was recommended that the Council Executive note the information outlined in the report in relation to the display of election material on council property and agree any change to the council's current policy as considered appropriate.

#### Motion

"Council Executive notes the content of the report and supports a prohibition on the display of election materials on lighting columns and other council property.

Council Executive instructs the Chief Executive to consult with political parties at the local constituency level on this proposal, and to report back to a future meeting of the Executive for decision".

- Moved by the Chair and seconded by Councillor Muldoon

#### Amendment

"West Lothian Council agrees that action to increase participation of the electorate in council elections are essential to enhancing local democracy.

The Council Executive notes with concern therefore the views expressed by the Electoral Commission to the effect that the banning of election posters had a detrimental effect on election turnout.

The Council Executive therefore agrees to take no further action on this matter until satisfactory assurances in respect of the effect on turnout can be provided and additional measures to enhance participation at elections are available for consideration".

- Moved by Councillor Johnston and seconded by Councillor Anderson

#### Decision

Following a vote the motion was successful by 10 votes to 2 and it was agreed accordingly.

### 3. DISPLAY OF ELECTION MATERIAL ON COUNCIL PROPERTY - REPORT BY CHIEF EXECUTIVE

4. CONSULTATION ON DRAFT PROPOSALS FOR A MENTAL HEALTH (SCOTLAND) BILL – WEST LoTHIAN COUNCIL RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the consultation on draft proposals for a Mental Health (Scotland) Bill and the proposed response from West Lothian Council.

The Head of Social Policy advised that the consultation paper, a copy of which was attached to the report, was seeking the views on proposals for a draft Mental Health Bill. The draft Bill would bring forward changes to improve the operation of the 2003 Act – notably in relation to named persons, advance statements, medical matters and suspension of detention. In addition the draft Bill would make provision for a Victim Notification Scheme for victims of Mentally Disordered Offenders.

West Lothian welcomed the opportunity to respond to the consultation on draft proposals for a Mental Health (Scotland) Bill following the earlier limited review of the Mental Health (Care and Treatment) (Scotland) Act 2003. Also the Bill proposed a number of amendments to the current 2003 Act which were generally positive and reflected good practice. It was however noted that the measure would place additional demands and duties upon Mental Health Officers and therefore it was being suggested that in conjunction with the Bill a more comprehensive review of Mental Health Officer services was required as a matter of urgency to ensure that local authorities were sufficiently resourced to enable them to fulfil their statutory functions in these areas.

It was recommended that the Council Executive :-

1. Note the current consultation related to the draft proposals for a Mental Health (Scotland) Bill; and
2. Consider the draft response and agree that it was submitted to the Scottish Government,

Decision

To approve the terms of the report and agree that the draft response be submitted to the Scottish Government.

5. COMMUNITY COUNCIL SPECIAL PROJECT GRANT APPLICATION 2014-15

The Council Executive considered a report (copies of which had been circulated) providing details of applications for special project grants received from Linlithgow & Linlithgow Bridge and Torphichen Community Councils.

The report advised that a special project grant scheme currently operated for community councils in West Lothian to allow them to carry out projects in their areas. The scheme allowed community councils to apply for a

maximum of £750 special project funding in each financial year. The total budget for the financial year 2014-15 was £3,000 with a balance of £700.

The report went on to advise that applications for funding had been received from Linlithgow & Linlithgow Bridge and Torphichen Community Councils. Full details of the project were contained in Appendix 1 to the report.

It was recommended :-

1. That the application received from Linlithgow & Linlithgow Bridge Community Council for £675 towards the costs of producing high quality leaflets for distribution to residents and tourists to highlight a map of the perambulation showing the March Stones and those locations with historic significance and local interest, together with a leaflet specifically for children, be approved; and
2. That the application received from Torphichen Community Council to continue to produce the Torphichen Newsletter be part-funded to the sum of £675.

### Decision

To approve the terms of the report

## 6. EQUALITY OUTCOME PERFORMANCE INDICATORS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services outlining the management performance indicators for the council's equality outcomes published in 2013, a copy of which was attached to the report at Appendix 1.

The Head of Corporate Services explained that the Equality Act 2010 contained a Public Sector Equality Duty covering the relevant protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

One of the key requirements of the Duty was for all public bodies in Scotland to publish a set of equality outcomes. As well as being distinct from other outcomes published by Authorities, they required to be informed by relevant evidence and involvement with those potentially impacted by the issues. Following an extensive consultation and evidence assessment exercise, in line with this requirement, the council published ten outcomes in 2013.

The Corporate Working Group on Equality agreed to create a set of performance indicators to support the monitoring of progress against the equality outcomes. While this was not a legal requirement it was felt critical to support progress on one of the other key specific duties in relation to "mainstreaming" equality into existing service provision. The Corporate Working Group on Equality had engaged in extensive dialogue with relevant council service representatives on how best to monitor progress against each of the ten outcomes while trying to ensure that the

administrative burden was kept to a minimum.

Initially the focus would be on the collection of benchmarking data for all indicators to enable comparison over future years. The first twelve months of the data would be reported as part of the update on progress required against the outcomes by April 2015.

Additionally the Corporate Working Group on Equality had been reconfigured for 2014 in order to focus its attention on monitoring of the equality outcomes and progress against commitments published within the councils Equality Mainstreaming Report published in 2013.

The Council Executive was asked to note the contents of the report and approve the draft indicators for the council's equality outcomes.

#### Decision

To approve the terms of the report

### 7. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2013 to 31 March 2014, details of which were attached to the report at Appendix 1.

The Head of Corporate Services explained that the guidelines for the operation of the Fund, which were approved by the Policy and Resources Committee in 1996, included a requirement for a summary report of expenditure from the Fund to be submitted to the Council Executive every six months.

The budget for the Fund for 2013-14 was £92,358.00. Members received regular information about sums allocated by them and balances remaining. The budget was divided amongst 33 elected councillors with all members having disbursed their entire allocation during the year.

The budget for 2014-15 was unchanged at £92,358 or £2,798.72 per elected member, with this information having already been passed to all elected members.

It was recommended that the Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2013 to 31 March 2014.

#### Decision

Noted the contents of the report.

### 8. RESPONSE TO CONSULTATION ON THE IMPLEMENTATION OF THE MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) ACT 2014

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting the Executive to consider and approve the draft response to the letter dated 10 April 2014 sent by the Scottish Government regarding the implementation of Section 21 of the Marriage and Civil Partnership (Scotland) Act 2014.

The Head of Corporate Services explained that in terms of the Marriage (Scotland) Act 2002 which amended that Marriage (Scotland) Act 1977 and the Marriage (Approval of Places) (Scotland) Regulations 2002 local authorities were required to approve places within their areas where civil marriages could be solemnised. This process involved applications being made to the council's Licensing Team within Legal Services for approval of particular venues. The approvals granted either lasted for three years or alternatively could be granted on a temporary basis for particular ceremonies.

The Marriage and Civil Partnership (Scotland) Act 2014 was passed by the Scottish Parliament on 12 March 2014 and was intended to be brought into force later in the year. Section 21 of the act would amend the Marriage (Scotland) Act 1977 by removing the requirement of local authorities to formally approve places where civil marriages could take place. In future it would be for parties to a civil marriage and the council to agree between them that particular venues were appropriate for civil marriage ceremonies. It was understood that the reason for the change in legislation was that there were concerns when the 2002 Act was enacted that registrars would be faced with unrealistic requests from the public for marriage venues. The main consideration was the safety of registrars and the public attending such ceremonies. However in practice most venues were eminently suitable and many were already licensed so this was now seen by the Government as an unnecessary layer of bureaucracy.

There were fifteen venues within West Lothian which were currently approved for the use of their premises as civil marriage venues, details of which were attached to the report. The fee for approval of a venue was £541.54 regardless of whether this was for a temporary approval or an approval lasting for the usual three years.

Therefore given that a decision had been made by the Government after a lengthy consultation process to revoke the legislative requirements to formally approve places of civil marriage it would seem only reasonable that the change was brought into force as soon as possible. The current number of approvals was small and therefore the effect on income was not significant.

It was recommended that the Council Executive approves the draft response to the Scottish Government consultation as outlined in the letter attached to the report.

### Decision

To approve the terms of the report

9. PROPOSED LEASE OF LAND TO KILLANDEAN COMMUNITY ALLOTMENT DEVELOPMENT ASSOCIATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the lease of ground at Killandean, Simpson Parkway, Livingston to Killandean Community Allotment Development Association (KCADA).

The Head of Finance and Estates advised that West Lothian Council adopted an Allotment Strategy in September 2010 to help address the increasing demand for allotments and to improve the delivery of services to members of the community by facilitating and enabling communities to actively manage and participate in allotment gardening.

The land at Killandean was one of three sites identified in 2013 for use as allotments and community gardens. KCADA was set up with the aim of developing the allotment site and community garden.

KCADA had secured £101,372 of external funding from the Climate Challenge Fund for Phase One of the project at Killandean. The Climate Challenge Fund was provided and administered by the Scottish Government. The Fund also supported communities across Scotland to take action on climate change and move to low carbon living. Phase One at Killandean would see the development of 35 allotment plots, ranging in size from 62.5 to 250 sqm and associated pathways, fencing and community facilities. Each plot, with the exception of the smaller ones, would be supplied with a suitable shed for storage and would allow for water harvesting.

KCADA were awaiting the outcome of a planning application which was registered by West Lothian Council on 13 March 2014. It was also a condition of the Scottish Government Climate Challenge Funding that Phase 1 (everything but the community garden) of the project was completed prior to 31 March 2015. Therefore it was important that KCADA had access to the site by June 2014

KCADA had requested a 20 year lease, which would be on the council's standard terms and conditions. Terms of lease had been provisionally agreed at a rent of £618 per hectare (£250 per acre) per annum. All other terms and conditions were detailed in the report.

Therefore it was recommended that the Council Executive approve a lease of a site extending to 1.02 hectares (2.53 acres) at Killandean, Simpson Parkway, Livingston to Killandean Community Allotment Development Association for a period of 20 years at an initial rent of £635 per annum subject to planning approval being granted.

Decision

To approve the terms of the report

10. ACCIDENT INVESTIGATION AND PREVENTION (AIP) CASUALTY REDUCTION PROGRAMME 2014-15

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the list of proposed prioritised casualty reduction schemes for 2014-15 programme.

The report advised that the council's Road Safety Plan and the Community Safety Strategy identified the need for a road casualty reduction programme utilising accident investigation and prevention (AIP) techniques. Research from the Department of Transport had found that local safety schemes which tackled proven casualty problems represented very good value for money and made a significant contribution to casualty reduction.

The Head of Operational Services advised that the current casualty reduction programme commenced in 2007-08 and since then a total of 59 schemes had been completed. The results of monitoring of the first five years were provided in Table 1 of the report. Monitoring results continued to be encouraging and indicated an overall reduction in accidents at treated sites of around 41%.

The report went on to advise that for the 2014-15 programme, officers had identified "sites for concern". Investigation and analysis work involved using the recorded injury accident data collected by the Police to identify sites for concern and analyse crash patterns to develop remedial measures. Accident patterns at each site of concern were investigated and a total of 11 sites were taken forward for development of remedial measures which were based upon value for money criteria. Appendix 1 showed the list of schemes that were taken forward and prioritised.

Available funding would allow the introduction of around five schemes in 2014-15 subject to final scheme costs. As the accident data was analysed on an annual basis, the programme would be re-ordered next year to take account of up-to-date accident problems.

The report concluded that the programme was the council's main opportunity to make a significant impact in meeting casualty reduction targets and this was backed by national research and local results.

It was recommended that the Council Executive approve the list of prioritised casualty reduction schemes for implementation in 2014-15.

Decision

To approve the terms of the report

11. SCOTTISH GOVERNMENT CONSULTATION – SCOTTISH SAFETY CAMERA PROGRAMME REVIEW



The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing details of a draft response to the Scottish Government's consultation on the review of the Scottish Safety Camera Partnership.

The report advised that West Lothian Council had been a member of the Lothian and Borders Safety Camera Partnership since 2004 and there were 11 mobile enforcement sites and one fixed camera site in the district.

The council had a service level agreement with the partnership and had officer representation on the partnership board. Officers were involved in site identification, monitoring and installation of infrastructure. All costs incurred by council staff were recouped from the partnership.

The Head of Operational Services explained that Transport Scotland was undertaking a review of the Scottish Safety Camera Programme and had issued a consultation document to inform the review. The consultation requested comments on the following three key issues:-

- Purpose and remit of Safety Camera Partnerships
- Structure of Safety Camera Partnership
- Governance

Appendix 1 set out the proposed response to the three questions and Appendix 2 contained the full consultation document.

In conclusion the report advised that the Scottish Government was undertaking a consultation on the view of the Scottish Safety Camera Programme.

It was recommended that the Council Executive approve the draft response to the consultation as contained in Appendix 1, attached to the report.

#### Decision

To approve the terms of the report

### 12. SCHOOL KEEP CLEAR MARKINGS – OBJECTION TO TRAFFIC ORDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of an objection to the statutory procedures to make all school keep clear markings in West Lothian legally enforceable.

The Head of Operational Services explained that at its meeting on 29 October 2013 the Council Executive agreed to commence the statutory procedures to make all existing school keep clear markings in West Lothian enforceable by the Police.

The proposals were advertised between 9 and 30 January 2014 and a total

of nine objections were received. All objections were in relation to Simpson Primary School in Bathgate. Officers made contact with all of the objectors and after the proposals were explained eight of the nine withdrew their objections. The remaining objector had not responded to contact from officers and therefore the objection required to be considered and a decision taken on how to proceed.

The full objection was detailed in Appendix 1 attached to the report with an officer's response summarised in the report.

Therefore it was recommended that the Council Executive over-rule the objection submitted during the statutory objection period and approve the making of the traffic regulation order as advertised.

### Decision

To approve the terms of the report.

## 13. WAR MEMORIAL SUPPORT GRANT SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the creation of a £50,000 War Memorial Support Grant Scheme.

The Head of Operational Services explained that 2014 was the beginning of the centenary of the First World War and that as part of the on-going initiatives that had been organised to recognise the centenary, the War Memorials Trust had created a Centenary Memorials Restoration Fund.

The restoration fund was a funding pot of £1m that was available to community groups and local authorities to allow them to restore or renovate an existing memorial, providing it had links to the First World War. The funding would be awarded to cover up to 75% of the total cost of the project, to a maximum value of £30,000. The funding would only be granted for work to the existing structure of a memorial and would not be awarded for any landscaping works or the creation of a new memorial.

West Lothian Council was responsible for the maintenance of 18 war memorials. These memorials were a key asset for the council as well as being highly valued by local communities.

As part of the on-going inspections of war memorials that officer's undertook, a further focus had recently been placed on not only the structural integrity of the memorial but also its appearance. These inspections had identified that the war memorials owned by West Lothian Council were in very good condition.

Whilst the condition of West Lothian Council's war memorials were in good condition a number of community groups had expressed an interest in delivering projects such as adding names to memorials or having the inscription of exiting names renewed.

Therefore it was felt appropriate that a War Memorial Support Grant Scheme was created and administered by the council. The total amount within the fund would be £50,000. The funding would be awarded to community groups as a major contribution towards the 25% of the total project costs that they would be required to submit. Details of how the fund would operate were detailed in the report.

The Head of Operational Services continued to advise that in addition to larger scale projects there was also likely to be some projects that required funding of a smaller amount. Therefore to address such cases it was proposed that £5,000 of the overall fund be earmarked for small grants of up to £500. These projects would be fully funded by the scheme and would be assessed in the same way as the larger funded schemes.

The report concluded that the remembrance of the centenary of the First World War was an important issue to all communities in West Lothian and whilst it was unclear what demand there would be for community groups to apply for funding it was however felt that the creation of the War Memorial Support Grant Scheme demonstrated a level of commitment from West Lothian Council to support the centenary of such an important event.

It was recommended that the Council Executive approve the creation of the War Memorial Support Grant Scheme as outlined in the report.

#### Decision

1. To approve the terms of the report; and
2. To agree that the maximum award of funding would be 25% of the overall project cost.

#### 14. FOOD POVERTY

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of progress in establishing a short life working group to tackle food poverty.

It was noted that West Lothian Council had agreed a motion titled "Food Banks" on 20 June 2013 which agreed to establish a short life working group which included the organisations operating food banks and others in the voluntary sector working to tackle food poverty.

Therefore an initial meeting of the Food Poverty Working Group was held on 16 October 2013 in Howden Park Centre which was attended by representatives from CFINE, Cyrenians, Food Train, Trussell Trust and West Lothian Credit Union plus officers from four services within West Lothian Council. Participants held a wide ranging discussion but generally agreed that food poverty was a direct result (and symptom) of low or no income exacerbated by rising living costs.

A further two meetings were then held and as a result a questionnaire was circulated to all those attending. Seven responses were received and the report provided a summary of the outcome of the questionnaire and included details of proposals to share resources and proposed joint projects and initiatives. It was also noted that interest had been expressed in the membership-based Social Supermarket model operating in France and Germany with the first UK outlet having recently opened in Yorkshire. It was further agreed that the food poverty working group be linked to the anti-poverty strategy and that the group should agree a clear remit and outcomes. The next meeting was scheduled for 6 May 2014.

The Head of Area Services continued to explain that West Lothian Council proposed to allocate £29,000 of time limited expenditure to support Food Banks to the following organisations :-

- £15,000 to West Lothian Food Banks
- £10,000 to CFINE
- £3,000 to the Food Train; and
- £1,000 to the Salvation Army

This would provide specific support for these organisations in relation to staffing, premises and transport and would encourage further collaboration between them.

It was recommended that the Council Executive :-

1. Welcome the establishment of a Food Poverty Working Group and note that regular updates would be presented to the Voluntary Organisations Policy Development Scrutiny Panel; and
2. Agree the allocation of £29,000 time limited expenditure to support Food Banks as follows :-
  - £15,000 to Food Banks
  - £10,000 to CFINE West Lothian
  - £3,000 to Food Train West Lothian
  - £1,000 to the Salvation Army

#### Decision

1. To approve the recommendations of the report; and
2. To further agree that officers would report back to the Voluntary Organisations Policy Development and Scrutiny Panel within the next six months detailing how the £29,000 allocated to support Food Banks was being utilised.

15. PRESIDENT NELSON MANDELA SPORTS BURSARY

The Council Executive considered a report (copies of which had been circulated) by the Head Area Services setting out a proposal for the establishment of a West Lothian sports bursary in honour of the former President of South Africa, Nelson Mandela, who died on 5 December 2013.

The report recalled that a motion had been agreed at the meeting of West Lothian Council on 14 January 2014 requesting that officers prepare a report, for consideration at the Culture and Leisure Policy Development and Scrutiny Panel, outlining a proposal to establish a sports bursary in Nelson Mandela's honour.

The Council Executive was informed that a scheme which provided grant assistance to sport already existed within West Lothian. This was administered by the Sports Development Facilities Team. There were currently five categories with the Sporting Grant Scheme, and these were listed in the report.

It was proposed that a new category within the Sporting Grant Scheme be established and that the new category be titled 'Nelson Mandela Sports Bursary'. This bursary would aim to encourage participation in sport during the school holiday period. It would be open to voluntary organisations and clubs who would like to work with West Lothian Council and West Lothian Leisure to provide inspirational sporting opportunities for young people during the school holiday period. A maximum of £500, per award, would be awarded to clubs or voluntary organisations. Criteria already established within the Sporting Grant Scheme would be adhered to for the 'Nelson Mandela Sports bursary'.

The new 'Nelson Mandela Sports Bursary' would be funded through the existing Sporting Grants budget. A maximum of £5,000 would be aligned to the new Bursary per annum and reviewed annually. The Bursary would be administered and monitored by the Sports Development Facilities Team as part of the approved Sporting Grants Scheme process.

It was recommended that the Council Executive approve the proposal to establish a "President Nelson Mandela Bursary" as part of West Lothian's Sporting Grants Scheme.

Decision

To approve the terms of the report

16. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health & Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 12 March 2014, a copy of which was attached to the report.

Decision

To note the terms of the report

17. PRIVATE SESSION

The Council Executive resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 2 of Schedule 7A of the Act.

18. PETITION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising that a petition had been received under the council's procedure for dealing with petitions and requests for council support.

The report advised that under the council's procedure for dealing with petitions and requests for council support there was a requirement for petitions which dealt with matters within the council's powers to be brought to committee for consideration.

The report recommended that the Council Executive note the petition and that there were existing procedures in place to address the issues raised.

Decision

To note the terms of the report.